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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,710	02/12/2001	Francis E. Szczublewski	DP-303901	7531

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DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
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EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,710

Applicant(s)

SZCZUBLEWSKI ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: --taansitory—should be corrected as --transitory-- instead. Appropriate correction is required.

Response to Arguments

2. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loewenthal et al (EP 1037419A2/ or “Loe” for short) in view of De Bonet et al.(US Patent 6,600,898 B1).

Regarding claim 1, Loe discloses “a method for providing transitory audio information that is subject to interruption without appreciable loss of content, comprising the steps of: receiving transitory audio information from an audio source; audibly providing the transitory audio information until an interrupt signal is received; when said interrupt signal is received, audibly providing a message that is associated with the interrupt signal; buffering the transitory audio information;; and audibly providing the buffered transitory audio information upon conclusion of the message”, i.e., while listening to a first audio program broadcasting by a

Art Unit: 2685

broadcast radio source in a mobile telecommunication environment (Fig. 1. and col. 1/line 45 to col. 2/line 37), a user can receive in real-time an alert for traffic news as a message associated with an interrupt signal for the first audio program, and after the conclusion of the report or alert/interruption message, the user can resume to the first audio program without loss of content due to the use of a flash memory as a buffer for storing data files in separate lists with their identification codes using pointers for resuming at the interruption point for continuing to listen to the first audio program (col. 3/section 0014 to col. 4/section 0016; and col. 5/section 0022 to col. 7/section 0029).

Applicants argue and amend that Loe does not provide a buffer and a message associated with the interrupt signal; however, this technique is known in the art. In fact, De Bonet discloses an exact same technique as the system uses a file buffer for temporary storing information data for the users before broadcasting to them, per their requests (refer to Fig. 9, and col. 15/lines 27-57) and in the same time, beside other radio broadcasting services to listeners, the system further provides messages at some interruption with reminders to mobile users (Fig. 1, and to col. 7/lines 24-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loe's system with De Bonet's teaching technique of using a buffer for storing data and providing a message at interruptions as noted in order to offer the user a convenience feature of not missing a part of programs by some interrupted programs, using a buffer for temporary storing and re-broadcasting the data to the listeners at a later time.

As for claim 2, in view of claim 1, Loe shows "wherein the buffered transitory audio information is provided at a faster rate than new transitory audio information is being received",

Art Unit: 2685

i.e., the stored audio information can be at any faster and compressed rates depending on the broadcaster's source (col. 6/section 0026 to col. 7/section 0027).

As for claim 3, in view of claim 1, Loe teaches "wherein the interrupt signal is initiated by the actuation of a repeat function and the message corresponds to a predetermined portion of the buffered transitory audio information", i.e., this interruption signal is constantly provided by the broadcaster and/or to the user's pre-programmed for alerts in real-time on selected topics and programs (col. 7/section 0032 to col. 8/section 0034).

As for claims 4 and 5, in view of claim 1, Loe discloses "wherein the message is a route instruction" and "wherein the message is a collision warning", i.e., alerts on road traffic are inherently understood to including route instruction and collision warning (col. 8/section 0033).

As for claim 6, in view of claim 1, Loe shows "wherein the buffered transitory audio information is stored in a compressed format" (col. 6/section 0026 for compressing formats of files from a variety of broadcasting networks).

As for claim 7, in view of claim 1, Loe shows "further including the step of: clearing the buffered transitory audio information when a different audio source is selected", i.e., if the user selects a next audio source or different audio source and remove the stored program from the list of the first program, other related information to that program also is removed (pages 9-10/sections 0041-0046).

As for claim 8, in view of claim 1, Loe discloses "wherein the transitory audio information is provided in the form of a radio broadcast" (Fig. 1, and col. 6/section 0026).

As for claim 9, in view of claim 1, Loe teaches "wherein the transitory audio information is buffered in response to the interrupt signal", i.e., the first audio program is stored in the flash

Art Unit: 2685

memory or buffer memory as the interrupt signal occurs (col. 3/section 0014 to col. 4/section 0016; and col. 5/section 0022 to col. 7/section 0039).

Regarding claims 10-18, these claims for “an automotive information system for providing transitory audio information that is subject to interruption without appreciable loss of content, comprising: a receiver for receiving transitory audio information from an audio source; a memory subsystem for storing data; an audio output device; a processor coupled to the receiver, the memory subsystem and the audio output device; and processor executable code stored within the memory subsystem for causing the processor to perform the steps of: providing the transitory audio information to the audio output device until an interrupt signal is received; buffering the transitory audio information within the memory subsystem; providing a message that is associated with the interrupt signal to the audio output device; and providing the buffered transitory audio information to the audio output device upon conclusion of the message” with same limitations are rejected for the reasons given in the scope of claims 1-9 as already disclosed above not limited to the cited sections but also to the entire reference.

For claim 10, Applicants argue and amend that Loe does not provide a buffer and a message associated with the interrupt signal; however, this technique is known in the art. In fact, De Bonet discloses an exact same technique as the system uses a file buffer for temporary storing information data for the users before broadcasting to them, per their requests (refer to Fig. 9, and col. 15/lines 27-57) and in the same time, beside other radio broadcasting services to listeners, the system further provides messages at some interruption with reminders to mobile users (Fig. 1, and to col. 7/lines 24-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loe’s system with De Bonet’s teaching

Art Unit: 2685

technique of using a buffer for storing data and providing a message at interruptions as noted in order to offer the user a convenience feature of not missing a part of programs by some interrupted programs, using a buffer for temporary storing and re-broadcasting the data to the listeners at a later time.

Regarding claims 19-22, these claims for “an audio information system for providing transitory audio information that is subject to interruption without appreciable loss of content, comprising: a radio receiver for receiving transitory audio information in the form of a radio broadcast from a radio station; a memory subsystem for storing data; an audio output device; a processor coupled to the receiver, the memory subsystem and the audio output device; and processor executable code stored within the memory subsystem for causing the processor to perform the steps of: providing the transitory audio information to the audio output device until an interrupt signal is received; buffering the transitory audio information within the memory subsystem; providing a message that is associated with the interrupt signal to the audio output device; and providing the buffered transitory audio information to the audio output device upon conclusion of the message” with same limitations are rejected for the reasons given in the scope of claims 1-9 as already disclosed above not limited to the cited sections but also to the entire reference.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9306, (for Technology Center 2600 only)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Art Unit: 2685

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tony T. Nguyen
Art Unit 2685
May 26, 2005


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